

REMARKS

In the Office action of January 9, 2004, the Examiner rejected pending claims 1-8 and 15-22.

On page 2 of the Office Action, the Examiner stated that the information disclosure statement filed on 10/30/00 failed to include legible copies of the cited references. While Applicants believe that copies of the references were indeed included with the IDS, Applicants resubmit herewith copies of the cited references. Cited reference IEEE standard 802.3ab has since been incorporated into IEEE standard 802.3 as clause 40, a copy of which is included herewith.

Also on page 2 of the Office Action, the Examiner objected to claims 1 and 15 because of various informalities. Claims 1 and 15 are amended herewith to incorporate the Examiner's suggestion to change "*the* serial management module" to "*a* serial management module." The Examiner also suggested that "the" before "PHY" on line 5 of claim 1 should be deleted. Applicants respectfully disagree and submit that the PHY control module has antecedent basis in the preamble of claim 1. Other various changes have also been made to claims 1-5 and 15-19 to increase the readability and consistency of those claims.

On page 3 of the Office Action, the Examiner rejected claims 1 and 15 under 35 U.S.C. 112 as failing to comply with the enablement requirement. Applicants submit that the description of the "diagnostic signals" aspect of claims 1 and 15 is sufficiently described in the specification (including the original claims) to enable one of ordinary skill in the art to practice the invention. Nevertheless, in order to expedite prosecution, claims 1 and 15 are amended herewith to remove the reference to the diagnostic signals.

On page 4 of the Office Action, the Examiner rejected claims 1-3, 6-8, 15-17 and 20-22 under 35 U.S.C. 1029(e) as being anticipated by Trans (US 6,377,640). Both claims 1 and 15 contain references to receiving, at the PHY control module, status signals from the PCS module and generating control signals responsive to the status signals. Regarding claims 1 and 15, the Examiner asserts that Trans discloses "receiving at the PHY Control (PMA et al.)... status signals... from... the PCS," citing column 60, lines 1-54 of Trans. It is not clear which element of Trans the Examiner considers to be a PCS (Physical Coding Sublayer) module, but Applicants

submit that Trans does not disclose a PCS module providing status signals to a PHY (Physical Layer) control module and the PHY control module generating control signals based on those status signals. Applicants request that the Examiner specifically indicate where Trans discloses this aspect of the present invention.

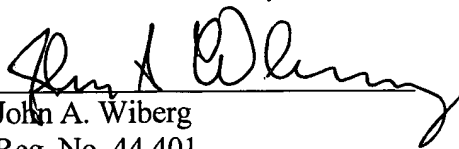
Claims 1 and claim 15 also contain references to providing the control signals generated at the PHY control module to the PCS module. The Examiner asserts on page 5 of the Office action that Trans discloses "generating control signals responsive to... the status signals... from the PHY control to... the PCS," again citing column 60, lines 1-54 of Trans. Again, it is not clear which element of Trans the Examiner considers to be a PCS (Physical Coding Sublayer) module, but Applicants submit that Trans does not disclose a PCS module receiving control signals from a PHY (Physical Layer) control module. Applicants request that the Examiner specifically indicate where Trans discloses this aspect of the present invention. Applicants also submit that "PMA" as disclosed in Trans does not constitute a Physical Layer control module, as is asserted by the Examiner. Rather, PMA stands for the Physical Medium Attachment sublayer, as is known in the art and described in, for example, the IEEE 802.3 standard. For these and other reasons, Applicants submit that claims 1 and 15, and all claims depending therefrom, are not anticipated by Trans.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of claims 1-8 and 15-22.

The Commissioner is hereby authorized to charge any fees required by this submission to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: February 26, 2004

Respectfully submitted,


John A. Wiberg
Reg. No. 44,401
Attorney for applicants

McAndrews, Held & Malloy, Ltd.
500 W. Madison, Suite 3400
Chicago, IL 60661
Telephone: (312) 775-8000